



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/713,645 | 11/14/2003 | David A. Evans | 940630-010022 | 1642 |

7590 07/19/2007
Blaney Harper
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001-2113

| |
|----------|
| EXAMINER |
|----------|

LEROUX, ETIENNE PIERRE

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2161

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,645

Applicant(s)

EVANS ET AL.

Examiner

Etienne P. LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Status:

Claims 1-29 are pending. Claims 1-29 are rejected as detailed below.

Double Patenting

Claim 1 of this application conflict with claim 1 of Application No. 10/713,592. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,115,706 (Evans), hereafter Evans in view of US Pat No 5,867,799 (Lang et al), hereafter Lang.

Claims 1, 10, 19, 28 and 29:

Evans discloses:

identifying a first set of documents from a training set of documents [abstract, subdocument with highest relevance score]

identifying a first profile corresponding to said first set of documents [abstract, subdocument that best matches the query]

identifying a second set of documents and a third set of documents from said training set of documents [abstract, next best subdocument]

identifying a fourth set of documents from said third set of documents [abstract, next best subdocument]

identifying a second profile corresponding to said fourth set of documents [next subdocument that best matches the query]

Evans discloses the elements of the claimed invention as noted above but does not disclose creating a first filter based upon said first profile. Lang discloses creating a first filter based upon said first profile [col 13, lines 60-65, community filter 27a, Fig 2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Evans to include creating a first filter based upon said first profile as taught by Lang for the purpose of selecting informons from a data stream [col 4, lines 45-50].

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and furthermore discloses creating a second filter based upon said second profile [Lang: member client filter, col 13, lines 60-65, Fig 2 28a]

Art Unit: 2161

combining said first filter with at said second filter to create an ensemble filter [Lang, Fig 2]

storing said ensemble filter in a computer readable medium, said ensemble filter being accessible by computer readable program code for filtering documents [Lang, information filter apparatus 1, Fig 2]

Claims 2, 11 and 20:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and further discloses clustering said training set of documents to identify said first coherent set of documents [Evans, abstract, subdocuments]

Claims 3, 12 and 21:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above but does not disclose clustering said training set of documents and selecting said largest cluster to identify said first coherent set of documents. However, Evans discloses clustering the documents into a plurality of clusters. It would have been obvious to one of ordinary skill in the art to modify above combination of references to include selecting the largest cluster for the purpose of defining the most general profile for the subdocument(s).

Claims 4, 13 and 22:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and further discloses cascading said first sub-filter and at least one remainder sub-filter to create at least part of said ensemble filter [Lang, Fig 2]

Art Unit: 2161

Claims 5, 14 and 23:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and further discloses multiplexing said first sub-filter with at least one remainder sub-filter to create at least part of said ensemble filter [Lang, Fig 2, community filter 27a and community filter 27b]

Claims 6, 15 and 24:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and further discloses cascading said first sub-filter and at least one remainder sub-filter to create at least part of said ensemble filter [Lang, Fig 2]

Claims 7, 16 and 25:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and further discloses cascading said first sub-filter and at least one remainder sub-filter to create at least part of said ensemble filter [Lang, Fig 2]

Claims 8, 17 and 26:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and further discloses multiplexing said first sub-filter with at least one remainder sub-filter to create at least part of said ensemble filter [Lang, Fig 2]

Claims 9, 18 and 27:

The combination of Evans and Lang discloses the elements of the claimed invention as noted above and further discloses mutiplexing said first sub-filter with at least one remainder sub-filter to create at least part of said ensemble filter [Lang, Fig 2]

Response to Arguments

Applicant's arguments filed in pre-appeal brief of June 1, 2007 have been fully considered and found persuasive but are moot in view of above new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2161

Etienne LeRoux

6/19/2007 *4/16/07*

Conclusion

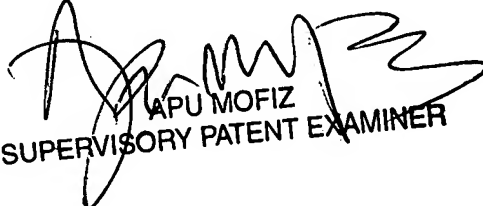
In view of the pre-appeal brief filed on June 1, 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth as above.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


APU MOFIZ
SUPERVISORY PATENT EXAMINER